

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH MORTON,)	
)	
Petitioner,)	Civil Action No. 06 - 166
)	
v.)	Judge Arthur J. Schwab /
)	Magistrate Judge Lisa Pupo Lenihan
)	
FRANKLIN TENNIS,)	
)	
Respondent.)	

MEMORANDUM ORDER

A writ of habeas corpus was received by the Clerk of Court on February 7, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 6, 2006 (Doc. No. 15), recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. Service was made on the Petitioner at S.C.I. Rockview and on counsel of record for the Respondent. On November 30, 2006, Petitioner filed a Motion for Extension of Time to File Objections to the Magistrate Report and Recommendation (Doc. No. 16), which was granted on December 1, 2006. Plaintiff's deadline for filing objections was extended to December 11, 2006. No objections have been filed.

After a review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 22nd day of January, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated November 6, 2006 (Doc. No. 15), is adopted as the opinion of the court.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

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